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MERCK & CO., INC.

By [Signature] Date 3/26/01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bonnert, Timothy P.

Serial No.: 09/445,614

Case No.: T1481

Art Unit:
1646

Filed: December 8, 1999

Examiner:
M. Brannock

For: HUMAN VANILLOID RECEPTOR-LIKE
RECEPTOR

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction mailed March 9, 2001, having an unextended response date set to expire April 9, 2001. Claims 1-3, 5-10, 12, 13, 15 and 16 are pending in the instant application.

Within the Office Action, claims 1-3, 5-10, 12, 13, 15 and 16 were subjected to a restriction requirement, requiring the Applicants to restrict the invention to one of the following inventions: Group I, claims 1-3, 5 and 7-9, drawn to polynucleotides, vectors, host cells, and methods of producing a polypeptide; Group II, claim 6, drawn to a method for detecting altered expression of a polynucleotide; Group III, claims 10 and 12, drawn to polypeptides; Group IV, claim 13, drawn to antibodies; Group V, claim 15, drawn to methods of detecting a polypeptide; and Group VI, claim 16, drawn to a method of identifying binding partners of a polypeptide.

Applicants elect Group I, with traverse, and without prejudice to filing divisional applications on the remaining claims. Applicants assert that, according to M.P.E.P. 803, if a search and examination of an entire application can be made without a serious burden, the Examiner must examine all the claims on the merits. Given the degree of relation amongst all the claims, Applicants submit that it is not an undue burden for the Examiner to evaluate Applicants' specification in its entirety. Thus, there is no proper basis for the restriction requirement. A thorough search of any one of the above-declared groups would constitute a sufficient search to evaluate all the claims of the present application.

Accordingly, Applicants respectfully request that the Examiner reconsider the restriction and remove it.

In summary, Applicants maintain all claims are in condition for allowance and a favorable action on the merits is earnestly solicited.

Respectfully submitted,

By 
Anna L. Cocuzzo
Reg. No. 42,452
Attorney for Applicant

MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-1273

Date: March 26, 2001